

ANDOVER BOARD OF HEALTH
Minutes
July 9, 2012, 6:00 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **June 4, 2012**

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of the Board of Health Meeting of June 4, 2012. Dr. Miller abstained because he was not able to attend the Meeting. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Sun Son for Boston King Café, Show Cause (Continued)** – Mr. Carbone explained that at the meeting of April 9, 2012, Boston King Café appeared before the Board. At that time, the Board required a three day License suspension so Mr. Son could provide training to his staff to improve conditions at the restaurant. The Board also required three private inspections to occur. Mr. Son explained that he felt they had turned a corner, and now cleaning is done on a regular basis, new equipment has been purchased and some cosmetic work has been done. Mr. Son has also developed a checklist to follow for cleaning every day. Mr. Son has taken an active role in the cleaning, checks to make sure the staff is aware of what is required and makes sure that things are cleaned properly. Mr. Son stated that he used the three day suspension to thoroughly clean the restaurant and train the staff in proper cleaning practices. Mr. Son has let go of one employee, and stated that the rest of the staff is aware of the issues that caused that action. Mr. Carbone provided the Board with a copy of the Inspection Report that was done on this day, July 9, 2012.¹ Mr. Carbone stated that, based on the improvement of the Inspection Reports, he felt a page has been turned, and recommended that the Board continue the Hearing for another three months with the continuation of monthly inspections.

Motion by Ms. Martin, seconded by Dr. Miller to continue the Show Cause Hearing for three months with the requirement that Mr. Son continue with the monthly private inspections. Mr. Son will be required to appear at the regularly scheduled Board of Health Meeting in October, 2012. Unanimous approval.

¹ A copy of the two page report has been inserted into the Agenda packet after page 4.

- **6:10 p.m. – Gayle Wells for 21 Off Webster Street – Appeal of Condemnation ORDER** – Since Ms. Wells did not appear before the Board and the septic has not been installed, Mr. Carbone requested that the Board uphold his Condemnation ORDER of April 5, 2012 .

Motion by Ms. Martin, seconded by Ms. Kellman, to uphold Mr. Carbone's Condemnation ORDER of April 5, 2012 and condemn the property. Unanimous approval.

- **6:15 p.m. – Ben Osgood, Jr. for Northfield Commons – Special Permit for Sewer Lift Station (Continued)** – Mr. Carbone stated that a year ago he had requested additional data from the Engineer, but did not receive all he needed. He was in touch with the Engineer to put him on today's Agenda, but the Engineer did not submit the Operations and Maintenance plan as requested. Mr. Carbone recommended that the Board deny the Special Permit without prejudice.

Motion by Ms. Martin, seconded by Dr. Miller, to deny the Special Permit for a Sewer Lift Station without prejudice since insufficient information was presented for approval. Unanimous approval.

- **6:30 p.m. Michael Gillis for 1 Reservation Road – Appeal of ORDERS (Tentative)** – Dr. Miller stated that there was quite a long list of violations at 1 Reservation Road. Mr. Carbone stated that he never received an appeal to the ORDERS, but had a problem getting the ORDER delivered. He sent the letter out via Certified Mail, but was unable to track it on line so another one had to be mailed out later.

III. Discussion

- **DPH Arbovirus Surveillance Program** –Mr. Carbone stated that he received a notice from the Department of Public Health (DPH) about their plans for mosquito surveillance and the program works well with the changes the Board discussed last month. Mr. Carbone serves as the Arbovirus Coordinator, and Ms. Martel, Assistant Director of Public Health, is his backup. Mr. Carbone is getting weekly updates from the State about activity. Ms. Martin asked if the warmer weather makes the virus spread earlier, and Mr. Carbone stated that there was no indication that the heat plays a part in that. The mosquitoes that transmit West Nile Virus tend not to breed in natural habitats, but in stagnant water in artificial containers, such as birdbath or tires. In warmer weather, more areas tend to dry out instead.
- **Drinking Water Quality Report** –Mr. Carbone stated that the Water Quality Report was in the packet for the Board's information. For the most part, the results are as good as in the past. Dr. Miller expressed concern that the sodium level tested quite high. Mr. Carbone stated that the Town surpassed that goal when the Salt Shed was built on Rte. 93. Sodium takes a while to get out of the groundwater. Once the Salt Shed is moved, that should help to lower the sodium levels. The Fish Brook Watershed Advisory Committee tried to determine how long sodium takes to disperse, but that was hard to determine

because it depends on several conditions. Ms. Martin asked if there were any updates on the relocation of the Salt Shed. Mr. Carbone last heard that they had a Meeting with the area businesses, and progress is being made. Mr. Carbone told the Board that he will try to get an update. Dr. Miller was curious if there were any levels that public health officials would consider causing an epidemic of hypertension. Mr. Carbone stated that if residents have hypertension, then they need to be aware if there is an unhealthy amount of sodium in the water, but Health officials would not consider that an epidemic.

- **Residential Sharps Disposal Program** – Mr. Carbone informed the Board that as of July 1, 2012, it is illegal for residents to put used needles or syringes into the trash because we don't want workers to get pricked by a needle. Joanne Martel, Assistant Director of Public Health, has been working on developing a residential sharps disposal program. She has approached a local company and they have agreed to donate the start up costs. The goal is to have drop off kiosks that will be self sustaining where residents can drop off their sharps and then the waste Company will take away the needles. We will advertise in the papers, notify doctors' offices & pharmacies and will try to tie in with the medical drop off day in the Fall at the Police Department. Dr. Miller suggested that pharmacists could give people flyers informing them of drop off locations. Mr. Carbone informed the Board that our Summer Intern, Connie Lo, is working on developing a P.R. campaign for us now.
- **Change September and October Board of Health Meeting Dates for 2012 (Not on Agenda)** – Dr. Miller asked to change two of the meeting dates due to a scheduling conflict. The Board agreed to change the Board of Health Meetings from Monday, September 10th to Monday, September 17th, and Monday, October 15th to Monday, October 22nd.

IV. Old Business

- **Update on Restaurant Grading (Not on Agenda)** – Ms. Martin asked if there was any update on restaurant grading. Mr. Carbone recently attended a conference in San Diego, CA, and found that almost all the ratings there were A's. He would rather consider some type of program where we can post inspection reports on line so residents can see the reports. Mr. Carbone's opinion was that grading would not make a big difference in compliance. The hope is that posting of the inspection reports may be enough to cut down on the number of people appearing before the Board of Health. Mr. Carbone stated that the easiest way to post them would be to use electronic reporting. Right now, we now have the use of ipads and droid tablets, which we hope to use in the ViewPermit program. That would help us to see trends of the most common violations in the past years. There is a module that will do that for us, but we need the whole system to be up & running before we can utilize that program.
- **Update on Teatone (Not on Agenda)** – Mr. Carbone gave the Board the list that Teatone provided listing equipment and physical appearance updates that they have made since January 2012. They installed new windows with screens which now allows them to get

some fresh air circulation so the staff will not open the back doors, which has been an issue in the past.²

- **Update on 99 Restaurant Septic Issues (In Mr. Carbone's Monthly Report)** – The Ninety-Nine Restaurant has been having issues with their septic system again, causing a lot of pumping to be done. Mr. Carbone met with Single Air to try to make adjustments and possibly install a septic aerator which helps to circulate air in the septic tank. Solutions to this issue are a big investment for the restaurant. Mr. Carbone is concerned because there have been issues with this septic system for many years.
- **Update on New Restaurants – Fisichelli's and Sal's (Not on Agenda)** – Ms. Martin asked for an update on where Fisichelli's and Sal's were in the permitting process. Mr. Carbone answered that Fisichelli's is still being worked on and Sal's has had their building permit for a couple of months.
- **Update on Attorney General's Office Concerning 116 Osgood Street (Not on Agenda)** – Mr. Carbone did not have any news yet and will contact the Attorney General to get an update.
- **"Let Go Your Mind" Camp, Not Licensed (Not on Agenda)** – Mr. Carbone informed the Board that Staff discovered a Camp, "Let Go Your Mind", operating without a license, but is convinced that it is an academic program that used the title "Camp" by mistake. If they didn't use the word camp, it wouldn't have come to his attention. Mr. Carbone stated that when he and the Health Staff looked at the whole program, they realized it was an engineering & physics class. Since it is an Academic program, it doesn't have to follow the Camp Regulations, so Mr. Carbone wants to send a letter to the camp allowing them to operate. He also would tell them that they have to send a letter to all the parents so that they know the camp is not following the Camp Regulations. Ms. Martin asked Mr. Carbone how many children there are and if they are going to stay indoors the whole week. Mr. Carbone stated that there are about thirty children and they will be inside most of the time, but thinks they will also go outside. Ms. Kellman asked why academics have different rules than camps. Mr. Carbone thinks that under the jurisdiction of a school, there is a lesser risk, while a camp can be high risk and the law specifically allows an exemption to education based programs. Ms. Martin was concerned that the camp has 6-9 yrs olds, and stated that the regulations are in place for reason. There are emergency procedures to be followed so the camp owners know if the children have allergies. She did not think that they will only be sitting around a table. Ms. Martin really wanted this to be considered a camp, but Mr. Carbone stated that they would not have enough time to do CORI checks, advertise, or meet with the Board of Health. Dr. Miller asked if there would be any food served. Mr. Carbone stated that most camps have the children bring their own lunches, and some camp operators bring a cooler or have a small refrigerator available. If they were cooking on site or bringing something in, they would need a permit from us. Ms. Martin stated that if the program is allowed to run, she would insist that the letter to the parents clearly state that there are no CORI

² A copy of the list has been inserted into the packet after page 23.

checks, no emergency procedures in place, and no requirement to follow the Camp Regulations. Mr. Carbone stated that he will work with staff a little more on this.

Workshop Meeting with Health Division (In Mr. Carbone's Monthly Report) – Mr. Carbone stated that during the Workshop, the staff stated that they felt that the Board of Selectmen (BOS) and Board of Health (BOH) do not respect their roles. Mr. Carbone felt that we needed to work on better communication. He would like to have staff come in to talk to the BOH to tell the Board about their work. He stated that he and several other Health Directors used to do a weekly article in the Sunday Eagle Tribune, and would like to start doing that again. Ms. Martin was disappointed that the Health Staff doesn't feel the BOH is supporting them. Mr. Carbone stated that we do the best we can to help the people and there are just days there is a feeling that the work we do as a Division is not understood. It is hard to quantify the work we do a lot of time, because all the BOH ever hears are the complaints, not the success stories. Ms. Martin referenced one incident when a new restaurant owner complained to a Selectman about how long it took to get permitted. Mr. Carbone stated that some things get exaggerated, but there are sometimes issues that have to get cleared up before a permit can be issued. Ms. Martin asked how many hours it took for Ms. Patricia Crafts, Health Agent, to go through the permitting process for Sal's. Mr. Carbone explained that there were many meetings. What shows in the report is a straight number, but you can't see the 2-3 hour minimum plan review, the follow ups and clarifications needed before a permit is issued. Ms. Martin would like to think of some ways to better improve the process.

Mr. Carbone informed the Board that Selectman, Paul Salafia, is our liaison. Ms. Martin suggested having a meeting with him. She referred to a time that the BOH went to see the BOS about a nuisance issue, and they were not supporting the BOH. Mr. Carbone tells people that his job is to do what is best for the community, not the individual all the time. Ms. Kellman noted that the staff is also hearing a lot of negative feedback (as discussed when going over the notes from the Health Division Workshop Meeting that Mr. Carbone supplied in the Agenda Packet). Ms. Martin stated that when Joanne Martel, Assistant Director of Public Health, was selected for the Lyme Disease Task Force, that would have been nice to know. She wondered if the staff knows the BOH sees that information. Ms. Martin felt that the BOH needs to brainstorm how it can improve also.

Ms. Kellman stated that it seems that the new permitting system is slowing things down, and wondered if that was only a temporary issue. Mr. Carbone stated that the Department is very frustrated, and is disappointed with the process and progress on issues that have not been resolved. Once the system gets totally up & running, things should be good. Right now we are not saving time like we were promised.

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

- **DWRP Variance/Local Upgrade Approval**

- N/A

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- July 28 to August 5, Director's Vacation
 - August 13th @ 6 p.m. – BOH Meeting
 - September 10th @ 6 p.m. - BOH Meeting (Date changed to September 17th – see page 3)

B. Nurses' Report for June, 2012 - The Nurses' Report for June, 2012, was for informational purposes only.

C. Inspectors' Reports for May and June, 2012 – The Inspectors' Reports for May and June were for informational purposes only. Ms. Martin asked about Ms. Crafts' report that stated a man was taking fish from a delivery truck to a car. Mr. Carbone replied that the delivery man was trying to hurry up the transportation of the fish and the driver of the car was trying to help.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Dr. Miller, to adjourn at 7:05 p.m. Unanimous approval.